

REMARKS

In the Office Action mailed on December 3, 2004, the Examiner rejected claims 1 – 3, 8, 9, 16, 17, 21, and 22, objected to claims 4 – 7, 10, 11, 18 – 20, 23, and 24, and allowed claims 12 – 15. With this Amendment, Applicant has amended claims 1, 8, 9, and 16 and added claims 25 – 33. The application now includes claims 1 – 33.

The Examiner objected to claim 8 based on the fact that claim 8 did not end with a period. With this Amendment, Applicant has amended claim 8 in accordance with the Examiner's instructions. Therefore, it is respectfully requested that the objection to claim 8 be withdrawn and that claim 8 be held allowable.

The Examiner objected to claims 4 – 7, 10, 11, 18 – 20, 23, and 24 as being dependent on a rejected base claim. With this Amendment, Applicant has added claims 25 – 34 in accordance with the Examiner's instructions.

Enclosed herewith is check # 2090 in the amount of \$ 1,125.00 for nine (9) additional independent claims (\$ 900.00) and nine (9) additional claims (\$ 225.00) in excess of the twenty-four (24) originally filed claims.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

The Examiner rejected claims 1 – 3, 8, 16, 17, and 21 under 35 U.S.C. § 102(b) as being anticipated by the Berlongieri patent. Applicant respectfully disagrees.

With this Amendment, Applicant has amended the claims to better define the invention of the present application. In particular, Applicant has amended claims 1 and 16 to claim that the flotation bladder is mounted to an outside surface of the aircraft.

The Berlongieri patent neither teaches nor suggests a flotation device as claimed in the present application. The Berlongieri patent describes an aircraft safety apparatus having a pair of front inflatable air bag pontoons and a pair of rear inflatable air bag pontoons. The pontoons of the Berlongieri patent are mounted within the aircraft through openings on opposite sides of the front end of the body and opposite sides of the rear end of the body. The pontoons are clearly not mounted to an outside surface of the aircraft as claimed in the present application.

Furthermore, claim 33 has been added which claims that at least fifty (50%) percent of the lateral length of each flotation bladder, when inflated, is connected to the aircraft. As mentioned above, the pontoons of the Berlongieri patent are mounted within openings of the aircraft. When

inflated, as illustrated in FIG. 1, the pontoons extend from the openings and expand in each direction. Unfortunately, by not connecting the pontoons to a greater lateral length, as described, illustrated, and claimed in the present application, the aircraft of the Berlongieri patent will tend to sink in the water thereby increasing the danger to the occupants therein.

Therefore, since the Berlongieri patent neither teaches nor suggests the flotation device as claimed in the present application, it is respectfully requested that the rejection of claims 1 – 3, 8, 16, 17, and 21 under 35 U.S.C. § 102(b) be withdrawn and that claims 1 – 3, 8, 16, 17, and 21 be held allowable.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 103

The Examiner rejected claims 9 and 22 under 35 U.S.C. § 103(a) as being unpatentable over the Berlongieri patent. Applicant respectfully disagrees.

It has been shown that the Berlongieri patent neither teaches nor suggests the flotation device as claimed in claims 1 and 16. Since claims 9 and 22 depend from claims 1 and 16, respectively, it follows that claims 9 and 22 are allowable.

Therefore, since the Berlongieri patent neither teaches nor suggests the flotation device as claimed in the present application, it is respectfully requested that the rejection of claims 9 and 22 under 35 U.S.C. § 103(a) be withdrawn and that claims 9 and 22 be held allowable.

CONCLUSION

It is believed that the present application is in condition for allowance. Reconsideration and allowance of claims 1 – 35 is respectfully requested.

Respectfully submitted,

TONY W. MEARS et al

By: 

Emery L. Tracy, Reg. No. 34,081

P.O. Box 1518

Boulder, Colorado 80306

Phone: (303) 443-1143 Fax: (303) 443-1415